

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COURTNEY LINDE, et al.,

Plaintiffs,

- v -

CV-04-2799 (NG)(VVP)

ARAB BANK, PLC,

Defendant.

AND ALL RELATED CASES¹

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MEMORANDUM

At a conference concerning these related cases on March 12, 2009, the parties raised a question concerning the effect of the appeal filed by the plaintiffs in the *Almog* and *Afriat-Kurtzer* actions from my order denying their application for a stay of certain depositions, viz., whether the fact that the order is under appeal prevents the parties or me from taking any further action with respect to the depositions as to which a stay was denied. Upon consideration of the issue and consultation with Judge Gershon, the court concludes that, in general, an appeal does not suspend the operation of the magistrate judge's order from which the appeal is taken, and has no impact on the magistrate judge's decisionmaking authority with respect to any matters within the judge's jurisdiction. Thus, as to the issue here, the pendency of the appeal does not prevent the defendant from seeking to proceed with the depositions that were the subject of the requested stay, nor does it prohibit me from taking such steps as may be necessary to enforce the defendant's right to proceed with those depositions.

Viktor V. Pohorelsky
VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
March 18, 2009

¹The following related cases have been consolidated with the instant case for purposes of discovery and other pretrial proceedings: *Philip Little, et al. v. Arab Bank, PLC*, CV-04-5449 (NG)(VVP), *Oran Almog, et al. v. Arab Bank, PLC*, CV-04-5564 (NG)(VVP), *Robert L. Coulter Sr., et al. v. Arab Bank, PLC*, CV-05-365 (NG)(VVP), *Gila Afriat-Kurtzer, et al. v. Arab Bank, PLC*, CV-05-388 (NG)(VVP), *Michael Bennett et al. v. Arab Bank, PLC*, CV-05-3183 (NG)(VVP), *Arnold Roth, et al. v. Arab Bank, PLC*, CV-05-3738 (NG)(VVP), *Stewart Weiss, et al. v. Arab Bank, PLC*, CV-06-1623 (NG)(VVP), and *Joseph Jesner, et al. v. Arab Bank, PLC*, CV-06-3869 (NG)(VVP).